



17 June 2022

Scott
fyi-request-19316-d82cfec2@requests.fyi.org.nz

Ref: OIA-2021/22-1335

Dear Scott

Official Information Act request relating to Submissions on Publicly Available Information and Overseas Cooperation NZSIS-GCSB Ministerial Policy Statements

Thank you for your Official Information Act 1982 (the Act) request received on 11 May 2022. You requested:

I would like to make a request relating to the recent reissue of the Publicly Available Information and Overseas Cooperation NZSIS-GCSB Ministerial Policy Statements.

For the reissue of the Publicly Available Information MPS I would like to request copies of all submissions received, and DPMC's responses to these submissions, from:

Inspector General of Intelligence and Security Government Chief Privacy Officer Ministry of Justice New Zealand Police Office of the Privacy Commissioner

For the reissue of the Overseas Cooperation MPS I would like to request copies of all submissions received, and DPMC's responses to these submissions, from:

Inspector General of Intelligence and Security Ministry of Justice Office of the Privacy Commissioner Human Rights Commission Ministry of Foreign Affairs and Trade New Zealand Defence Force Ministry of Defence New Zealand Customs Service"

The time frame for responding to your request was extended under section 15A of the Act by 15 working days because consultation was needed before a decision could be made on the request. Following this extension, I am now in a position to respond.

Ministerial Policy Statement Reissue Process

Ministerial Policy Statements are an important tool to strengthen oversight and increase transparency of the Government Communications Security Bureau (GCSB) and the New Zealand Security Intelligence Service (NZSIS). They are issued by the Minister responsible for the GCSB and NZSIS to ensure the agencies have clear guidance about how they carry out their lawful activities. The Intelligence and Security Act 2017 requires the Ministerial Policy Statements to be reviewed and reissued every three years.

The process for reviewing the Ministerial Policy Statements is led by the Department of the Prime Minister of Cabinet. The review is an iterative process which involves discussions with several appropriate agencies resulting in the refinement and creation of draft Ministerial Policy Statements.

The substantive submissions received by DPMC on the review of the Publicly Available Information and the Cooperating with Overseas Public Authorities Ministerial Policy Statements is provided in attachment A. This table encompasses feedback received via letter and email, plus a best recollection of phone conversations and meetings.

Information being released

I have decided to release in **attachment A** a summary of submissions received on the 'Publicly Available Information' and 'Overseas Cooperation' Ministerial Policy Statements. Additionally, I have also provided the Department of the Prime Minister and Cabinet's response to those submissions.

Some parts of attachment A have been withheld as noted. The relevant grounds under which information has been withheld are:

- section 6(c), to protect the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial, and
- section 9(2)(h), to maintain legal professional privilege.

Additionally, I am releasing in full a letter received from the Human Rights Commission dated 22 September 2020.

In making my decision, I have taken the public interest considerations in section 9(1) of the Act into account.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely

Nicky Eaton
**Acting Deputy Chief Executive
National Security Group**